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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

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| TO:           | Mail Stop Petitions                         | FROM:                               | Kent J. Sieffert      |
| COMPANY:      | USPTO                                       | DATE:                               | April 24, 2008        |
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| RE:           | Petition to the Director Under 37 CFR 1.181 | APPLICATION SERIAL NUMBER:          | 09/975,286            |

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Christopher Peiffer Confirmation No. 9849  
Serial No.: 09/975,286  
Filed: October 10, 2001 Customer No.: 28863  
Examiner: Haresh N. Patel  
Group Art Unit: 2154  
Docket No.: 1014-152US01/JNP-0489  
Title: **STRING MATCHING METHOD AND DEVICE**

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on April 24, 2008

By: Caryl Harriman  
Name: Caryl Harriman

**PETITION TO THE DIRECTOR UNDER 37 CFR §1.181**

Mail Stop: Petitions  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Director of the United States Patent and Trademark Office under 37 CFR §1.181.

**STATEMENT OF FACTS**

1. Applicant filed an Appeal Brief on November 20, 2007.
2. On December 7, 2007, the Office issued a Notification of Non-compliant Appeal Brief with respect to Applicant's Appeal Brief filed November 20, 2007. Specifically, the Office noted that Applicant failed to summarize independent claim 24.
3. In accordance with MPEP 1205.03 (B), Applicant submitted a correct Summary of the Claimed Subject Matter on January 7, 2008 in lieu of an entire new brief. The corrected Summary of Claimed Subject Matter properly summarized independent claim 24.

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Application Number 09/975,286

4. In response, the Examiner issued a Second Notification of Non-Compliant Appeal Brief on April 4, 2007 asserting the following:

"The appeal brief field [sic] dated 1/7/2008 does not contain grounds of rejection to be reviewed on appeal. Further the cited portions of the specification in the appeal brief dated 1/7/2008 do not demonstrate how a casesensitive [sic] match can be done for unknown string (for example, "Hello" and its binary representation) with an HTTP header and how the mentioned operations are possible among them."

#### **ACTIONS REQUESTED**

Applicant requests that the Director:

- 1) withdraw the holding of non-compliance for Applicant's Summary of the Claimed Subject Matter filed 1/7/2008, and
- 2) enter Applicant's Appeal Brief on December 10, 2007 and corrected Summary of the Claimed Subject Matter filed 1/7/2008.

#### **ARGUMENT**

The Examiner's erred in issuing the Second Notification of Non-Compliant Appeal Brief on April 4, 2007.

The Examiner's first reason for not entering Applicant's corrected Summary of the Claimed Subject matter was stated as: "[t]he appeal brief field [sic] dated 1/7/2008 does not contain grounds of rejection to be reviewed on appeal." First, Applicant respectfully points out that Applicant's communication submitted on 1/7/2008 was a corrected Summary of the Claimed Subject Matter, which need not contain a section restating the grounds of rejection to be reviewed on appeal. Specifically, the communication filed 1/7/2008 was submitted in accordance with MPEP 1205.03 (B) so as to provide a corrected Summary of the Claimed Subject Matter in lieu of an entire new brief. Specifically, MPEP 1205.03 (B) states:

(B) When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice.